

## FACSIMILE COVER PAGE

**To :** Office of Petitions

**From :** Greg Zalecki

**Sent :** 2/24/2005 at 4:48:06 PM

**Pages :** 10 (including Cover)

**Subject** fee balance for Frankowiak (10/783,602)) petition

See attached documents relating to a request for reconsideration of Mr. Frankowiak's petition.

10/783,602  
(10/783,602) X0112

2/24/2005

USPTO-EPXRF-1/3

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 9

Application Number	10/783,602
Filing Date	February 20, 2004
First Named Inventor	Jerome P. Frankowiak
Art Unit	
Examiner Name	
Attorney Docket Number	

**ENCLOSURES (Check all that apply)**

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>Request for Reconsideration of Petition for Review of Notice of Incomplete Nonprovisional Application, to Accord a Filing Date of February 20, 2004 and for Return of Petition Fee |
|--|--|---|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Signature

Printed name

Gregory T. Zalecki

Date

February 24, 2005

Reg. No.

29,994

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Gregory T. Zalecki

Date

February 24, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-04v7)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL

## for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$270.00

## Complete if Known

Application Number 10/783.602  
 Filing Date February 20, 2004  
 First Named Inventor Jerome P. Frankowiak  
 Examiner Name  
 Art Unit  
 Attorney Docket No.

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 680	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) balance of Pet to Comm. fee			\$270.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 270.00

## SUBMITTED BY

Name (Print/Type) Gregory T. Zalecki Registration No. 29,994 Telephone (586) 254-6113  
 Signature [Signature] Date February 24, 2005

WARNING! Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Title of Invention: Folding Framing Square

Application Number: 10/783,602

Filing Date or 371(c) Date: February 20, 2004

Name: Jerome P. Frankowiak

Citizenship: U.S.A.

Residence: 8809 Burnside Rd.

Brown City, MI 48416

**REQUEST FOR RECONSIDERATION OF PETITION FOR REVIEW OF NOTICE OF  
INCOMPLETE NONPROVISIONAL APPLICATION, TO ACCORD A FILING DATE  
OF FEBRUARY 20, 2004 AND FOR RETURN OF PETITION FEE**

Petitioner, Jerome P. Frankowiak, states as follows:

1. On February 20, 2004 petitioner filed a patent application with respect to the above referenced invention.
2. On or about October 4, 2004 the United States Patent and Trademark Office mailed a Notice of Incomplete Non Provisional Application indicating that the specification, claims and oath were missing from the application as filed. The notice further stated that

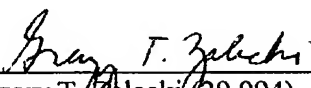
this decision could be reviewed by way of a petition and a petition fee in the amount of \$130. See attached Notice of Incomplete Non Provisional Application.

3. Petitioner is confident that a complete application was filed, including a specification, claims and oath, and therefore submitted a Petition for Review of Notice of Incomplete Nonprovisional Application, to Accord a Filing Date of February 20, 2004 and for Return of Petition Fee. The petition was accompanied by the \$130 fee referred to within the Notice of Incomplete Non Provisional Application.
  4. On January 3, 2005 the Office of Petitions mailed a decision dismissing the petition because it was not accompanied by a \$400 filing fee. The decision also stated "this petition cannot be treated on the merits and will not receive any consideration until such time as \$270.00 has been submitted."
  5. A credit card authorization for the \$270 balance is attached hereto.
  6. Petitioner relied upon the accuracy of the notice indicating that the fee was \$130 when filing the petition. A general increase for most patent office fees became effective December 8, 2004, two days after the effective date of this petition.
  7. The petition is based in part upon CFR 1.10. Petitions under this rule do not require a fee.
  8. Petitioner promptly sought an explanation of what was needed from the Office of Petitions. Petitioner received a phone call from the Office of Petitions approximately 10 days ago and this request for reconsideration follows.
  9. Petitioner is entitled to relief pursuant to 37 CFR 1.10, 37 CFR 1.53 and 37 CFR 1.181.
- I hereby declare that all statements made herein of my own knowledge are true and that

all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

ACCORDINGLY, petitioner, Jerome P. Frankowiak, requests that his Petition for Review of Notice of Incomplete Nonprovisional Application, to Accord a Filing Date of February 20, 2004 and for Return of Petition Fee be considered on its merits. Petitioner further requests any additional relief, agreeable to equity and good conscience, to which he may be entitled.

Respectfully,

  
\_\_\_\_\_  
Gregory T. Zalecki (29,994)  
Attorney for Applicant

Dated: February 24, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/783,602	02/20/2004	Jerome P. Frankowiak	

Gregory T. Zalecki  
Suite 401  
12900 Hall Road  
Sterling Heights, MI 48313

CONFIRMATION NO. 1538

## FORMALITIES LETTER



\*OC000000013995999\*

Date Mailed: 10/04/2004

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.


The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.
- The specification does not include at least one claim.  
*A complete specification as prescribed by 35 U.S.C. 112 is required.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

GREGORY T. ZALECKI  
12900 HALL ROAD  
SUITE 401  
STERLING HEIGHTS MI 48313

**COPY MAILED**

**JAN 03 2005**

In re Application of  
Jerome P. Frankowiak  
Application No. 10/783,602  
Deposited: February 20, 2004  
Title of Invention: FOLDING FRAMING  
SQUARE

**OFFICE OF PETITIONS**

:  
:  
: ON PETITION  
:  
:

This is a decision on the petition filed December 10, 2004, requesting that above-identified application be accorded a filing date of February 20, 2004, with the specification and oath or declaration as a part of the original disclosure. This petition is treated under 37 CFR 1.53.

The petition is **DISMISSED**.

Effective November 22, 2004, the petition fee has been increased from \$130.00 to \$400.00. Therefore, since the fees submitted are deficient and since no deposit account has been authorized, this petition cannot be treated on the merits and will not receive any consideration until such time as \$270.00 has been submitted. See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

The application will be retained in the Office of Petitions for two months after which time if the fees have not been submitted, the application will be forwarded to the Office of Initial Patent Examination and the proceedings terminated. A request for reconsideration with the appropriate fees should be addressed as follows:

By mail: Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (703) 872-9306  
Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions